

David Andrew D'Zmura
P.O. Box 2541
Palm Desert, CA 92261

Tel/Fax: (760) 200-2581

September 8, 2003

FAX RECEIVED
SEP 08 2003

Mail Stop Petitions
Commissioner for Patents

via fax: to (703) 308-6916

PETITIONS OFFICE

P.O. Box 1450

Alexandria, VA 22313

Attn: Mr. Paul Shanowski, USPTO Petitions Officer
Re: My Patent Application # 09/849,582 filed May 5, 2001

Dear Mr. Shanowski:

Per our phone conversation today, I am faxing you
my Petition SB61, fee payment form 2038, copy of
my Reply of Sept. 2, 2003 (PTOL-85) and mailing receipt,
as well as Petition SB64 should that become required.

Thank you.

David Andrew D'Zmura

David Andrew D'Zmura
pro se independent inventor
sole inventor/sole applicant/sole owner

I hereby certify that this correspondence is being
transmitted by facsimile on the date shown below and above
to the United States Patent and Trademark Office at
(703) 308-6916.

September 8, 2003

David Andrew D'Zmura

David Andrew D'Zmura

Enc.

PTO/SB/61 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

— none —

First Named Inventor: David Andrew D'Zmura
Sole inventor/sole applicant/sole owner

Art Unit: 3712Application Number: 09/849,582Examiner: Kurt FernstromFiled: May 5, 2001Title: METHOD OF DETERMINING ZODIAC SIGNS

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SEP 08 2003

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity — fee \$ 55.— (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity — fee \$ _____ (37 CFR 1.17(i)).

*I am a pro se independent inventor.
I am a small entity.*

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
PTOL-85 (identify the type of reply):

☒ has been filed previously on September 2, 2003

☐ is enclosed herewith.

B. The issue fee of \$ 650.—

☐ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/61 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Sept. 6, 2003
Date

David Andrew D'Zmura
Signature

(760) 200-2581
Telephone Number

David Andrew D'Zmura
Typed or printed name

N/A
Registration Number, if applicable

P.O. Box 2541
Address

Palm Desert, CA 92261
Address

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ photocopy of my reply mailed Sept. 2, 2003 w/ mailing receipt
(PTOL-85)

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

September 8, 2003
Date

David Andrew D'Zmura
Signature

David Andrew D'Zmura
Typed or printed name of person signing certificate

PTO/SB/61 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

September 6, 2003

Date

N/A

Registration Number, if applicable

David Andrew D'Zmura

Signature

David Andrew D'Zmura

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

On September 2, 2003, I mailed form PTOL-85 to the USPTO via USPS first-class mail, however, I was unavoidably delayed in submitting the issue fee of \$650 (small entity). I had operated in prudent fashion, and had full and reasonable expectation to be able to provide the issue fee, with the PTOL-85, by or before Sept. 2, 2003. As I did not have savings, checking, cash, or credit funds available, I decided to sell my car. I responded to a newspaper ad, 8/16/03, of a major local car dealer, which stated they bought used autos. I went there that date, to sell my car to them, and after they appraised it, they offered me \$3,700 for it. They sold me a new car, whereby rebates comprised the down payment, with GMAC as lienholder. They gave me a Due Bill, confirming they owed me \$3,700. On 8/16/03, I left the dealership in my new car, having given them my old car. On 8/21/03, I received a thank you note from the dealership confirming my new car purchase. On 8/25/03, in phone call to the dealership, I was told my check for \$3,700 was ready and to come in for it on 8/26/03. On 8/26/03, I went there for my check, but instead, once I arrived, the dealer seized my new car, unilaterally rescinded the agreement, and gave me my old car back (without my check). The dealer's stated reason for this reversal was that financing for the new vehicle could not be obtained. I should have been able to rely on this well-established dealership to perform according to the bilaterally executed agreement on 8/16/03. I was not provided, as is required by Calif. law, a written 5-day notice if any problem arose in their maintaining the agreement. Further, they held my old car, and title and registration, throughout that period, and hence, I was unable and unaware to sell my car elsewhere. On Sept. 4, 2003, I sold my car for \$3,500, and, after depositing those funds on my checking account, 9/5/03, I promptly provide you my unavoidably delayed issue fee of \$650 (small entity status).

(Please attach additional sheets if additional space is needed.)

ma. l. -ing receipt of
my reply, P102-85
04 Sept. 2, 2003

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PETITIONS OFFICE

USPS PORTOLA
PALM DESERT, California
922619998
09/02/2003 0567760260-0097 04:10:36 PM
(800)275-8777

Product Description	Sale Qty	Unit Price	Final Price
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ALEXANDRIA VA 22313 First-Class			\$0.37
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Issue PVI: \$0.37

Total: \$0.37

Paid by:
Cash \$5.00
Change Due: -\$4.63

Bill #: 1000301089305
Clerk: 03

Refunds only per DMH P014
Thank you for your business
Customer Copy

#22



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1430
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/02/2003

David Andrew D'Zmura
P.O. Box 2541
PALM DESERT, CA 92261

EXAMINER

FERNSTROM, KURT

ART UNIT

CLASS-SUBCLASS

3712

434-106000

DATE MAILED: 06/02/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,582	05/05/2001	David Andrew D'Zmura		8915

TITLE OF INVENTION: METHOD OF DETERMINING ZODIAC SIGNS

I am a small entity. (a pro se independent inventor)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<input checked="" type="checkbox"/> YES	500 \$450	\$0	500 \$450	09/02/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☒ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.